

MINUTES

**MONTANA SENATE
56th LEGISLATURE - REGULAR SESSION
COMMITTEE ON STATE ADMINISTRATION**

Call to Order: By **CHAIRMAN MACK COLE**, on March 29, 1999 at 8:00
A.M., in Room 331 Capitol.

ROLL CALL

Members Present:

Sen. Mack Cole, Chairman (R)
Sen. Don Hargrove, Vice Chairman (R)
Sen. Jon Tester (D)
Sen. Jack Wells (R)
Sen. Bill Wilson (D)

Members Excused: None.

Members Absent: None.

Staff Present: Keri Burkhardt, Committee Secretary
David Niss, Legislative Branch

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 490, 3/26/1999
Executive Action: HB 490

HEARING ON HB 490

Sponsor: SEN. DON HARGROVE, SD 16, BELGRADE

Proponents: None

Opponents: None

Opening Statement by Sponsor:

{Tape : 1; Side : A; Approx. Time Counter : 8:15 - 8:28}

SEN. DON HARGROVE, SD 16, BELGRADE, spoke for the sponsor, **REP. SHIELL ANDERSON, HD 25, LIVINGSTON**. He handed out **EXHIBIT (sts70a01)** and **EXHIBIT (sts70a02)**. A fellow in my district presented me with the idea of a western primary. Governor Levitt of Utah is the person who has been pushing that for a long time and is the focal point for the whole thing. I mentioned it to our local party chairman at home and he liked it. I called the Chairman of the Republican Party in Helena and she liked the idea. Then we wrote up a joint resolution within both parties and took them to the convention. I talked to the majority leader and the current president at the convention and they thought it was a great idea. So we presented it in both caucuses in both party conventions and everyone thought it would be a good thing to do.

After the convention both parties sent a letter to the Governor, supporting the idea. The Governor needed to appoint some representatives to go to Salt Lake City, Utah to a convention for the western states primary. We didn't have any money to do that, so we got volunteers. We appointed a group, including myself. **Secretary of State, Mike Cooney** and I wound up being the signatories for Montana for this joint resolution. We talked with the states about the advantages. This has been around for a long time.

There is all kinds of information on this, but I will briefly explain what it amounts to. The chart I passed out to you shows California has its primary on the 7th and Super Tuesday is on the 14th. By the time it gets into June for Montana, we are totally forgotten. We don't have enough votes to make any difference. I have information on how many visits each state has. They get a lot of attention and as soon as the vote is pretty much decided, the attention disappears pretty rapidly. We want to get some attention. Most people talk about it in terms of how many visits you get from presidential candidates and that is important. However, I would suggest it is more important to address the specific issues of the range states.

We want these people to be in a position where they need to make some commitments while the primary is still "hot". It was determined by the eight range states that we would all go for it. The date we selected would turn out to be on a Saturday in the year 2000. That ran into some problems because of the Jewish community, so we changed it to the 10th, which is on a Friday. Four of the states, Wyoming, Utah, Colorado, and Nevada are done. A couple of them have been signed by the Governor. New Mexico and Arizona are not going to be in. Arizona is a very partisan state and they could not get an agreement together. New Mexico's decision was centered largely on money.

Originally, we thought it would be good to bring the cost down because it costs about 5 hundred thousand dollars to run a statewide election. That is why we wanted to hold this with the school elections by moving the trustee elections back to April. With CI-75 going away, it made things different. The school elections are going to be consolidated. There is only going to be one tax election. The money is going to be saved elsewhere by those other elections, so our election stands out by itself. During the last conference call with Idaho, they said they had gotten into some squabbles. According to the conference call, they wound up not getting it done just from the matter of inexperience and inefficiency. Idaho is not a part of it right now. Idaho meets every year and the plan is to have this be the first thing introduced in January and to get it done in time for that election next year.

We still have a large central western block. Within the last few days, with the latest update, I talked to leadership in both parties and in both chambers, as well as the Governor and Secretary Cooney. I thought there might be some re-thinking, but they still want to do it. It has been in House Appropriations for some time. It went to **REP. ANDERSON** because it had an appropriation in it and had to be a House bill. I talked to **REP. KASTEN** and **REP. ZOOK** on the need to increase the budget. As late as Friday, both of them said they put the extra money in it and it is fine. I had a couple of conversations with David Niss who said it was not written that way.

REP. KASTEN still thinks it was. It came out with 188 thousand dollars, which is what we had done when we were going to piggy back that. There are a number of amendments to make this whole and put it in the condition everyone expects it to be in. First, it strips out the election stuff and puts in just the presidential stuff and makes it just the presidential primary, which will be the first Friday after the first Sunday. It also changes the appropriation. After we pass it out of here, we can send it to Finance and Claims and let them work on the money portion of it. **SEN. SWYSGOOD** knows that it is coming.

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David Niss, Legislative Staff, explains the amendments. Paragraphs 1 through 5 are to conform the title. For Paragraph 6 and 7, we have re-worked the formula that would specify the date. Apparently one of the other states had calculated out the date for many years, using the old formula I originally devised and it didn't work. Wherever the bill currently says the first Friday after the first Sunday is now changed to the first Friday after

the first Monday. Paragraph 8 strikes one of the "whereas" clauses.

Most of the amendments you have before you are intended to make changes to the bill that were put in the original draft in order to coordinate the presidential preference primary with school elections. Now that school elections are taken out, every place where those elections are mentioned in the bill have to come out and the appropriation changes as well. The majority of these changes are due to the fact that the date for the presidential primary can no longer be coordinated with the school elections. That explanation applies to Paragraphs 8, 9, 10, 11, 13, 14, 16, 17, 18, and 19. The portions not included in that explanation are Paragraphs 6, 7, and 12, which are all a change in the date formula. In Paragraph 14, the appropriation has more than doubled because of the dropping of the school elections.

In Paragraph 15 we have put in a reversion that if the Secretary of State does not use all of the 527 hundred thousand dollars to reimburse counties for their expenses, which is included in the original draft of the bill, then that money reverts to the General Fund. In Paragraph 18 we changed the codification instruction because of the dropping of the coordination with school districts. Paragraph 19 strikes off the effective date. There was more than one effective date in the original draft. Now the effective date section is going to be gone which makes the effective date of the act October 1st, just like other acts without specific effective date sections.

SEN. HARGROVE said the bill was heard in House State Administration and I think it was a unanimous vote. It went through to the Floor with 80 something votes. The people I have talked with in the House Appropriations Committee felt the money is good. We do need to address that, which is why I am going to ask that it be sent to Finance and Claims. The Secretary of State's office and a few other proponents testified in the House Committee and I suspect that some of them will wind up here later this morning, due to the meeting time change.

Questions from Committee Members and Responses:

SEN. TESTER stated, it is unfortunate that this cannot be piggybacked with another election because of the 500 thousand dollars. I think in the overall budget that may be insignificant, but in terms of dollars it is significant to me. This would be three days after California and the ones on the east coast. Has there been any conversation about how much impact we can make as a unit in three days or is that the point at all? Is the point that we need to be in a unit? **SEN.**

HARGROVE replied the point more than anything is that we need to be a unit, but the timing and the geography are such that it is hoped and theorized they will go from California to us and then down to Super Tuesday. Then we will have a chance to make ourselves heard. We could be pivotal.

SEN. TESTER said, I thought Idaho was a done deal. **SEN. HARGROVE** stated, this call was on the 22nd. They advanced the reading calendar. There were some people absent. The bill failed in the House by two votes. They tried to resurrect it. The House leadership was new and they were afraid of losing it so they chose not to bring it back up. The senator who called here had a discussion with the Governor. If it is confirmed that there will be enough states doing it, they will come back the first week of the next session to get it passed. The citizenry supports it. There is a way of looking at that money. The money we were going to save is still saved, but it is saved someplace else. Had things worked out to leave that election piggybacked with ours, ours would have looked much smaller, but the money would not have been saved on the consolidation that is going on now.

SEN. TESTER asked if this passes, on March 10th there will be a presidential election that is exclusively the presidential election, correct? **SEN. HARGROVE** answered, yes. **SEN. TESTER** asked, then the schools will have their election and on the first Tuesday in June, we will have our regular one that elects regular primary, correct? **SEN. HARGROVE** answered, yes. **SEN. TESTER** asked, where are we saving money? **SEN. HARGROVE** stated the money saved is the same money we had saved before when we had the 188 thousand. There are two bills and I am not sure of the outcome. **REP. ELLIS** and **REP. CURTISS** both have bills concerning elections. **REP. CURTISS's** bill is to make sure there is only one school funding election a year. I am not sure what is happening with **SEN. ELLIS's** bill, but there is consolidation of the various elections in both of those bills. The same consolidation is going on except it is not in March, which gave some problems anyway. If we didn't have this one and that consolidation was there, that money wouldn't be spent. **SEN. TESTER** asked, are we talking about consolidation of elections at the local level?

SEN. HARGROVE replied, yes. **SEN. TESTER** asked, if it is left the way it was, then the primary election would be in June, correct? **SEN. HARGROVE** answered yes. **SEN. TESTER** said, therefore it is an additional election because we could still save that money, which I agree with. I think this is a good idea. The only thing that holds me up is the money. I appreciate all the work you have done getting back with these states. I could make an argument that eastern Montana has issues that fit more closely with North

Dakota and South Dakota, but the fact is we are all Montanans.

SEN. HARGROVE said, those are sort of the range states.

SEN. WELLS stated, I noticed the last section in the bill was taken out by the last amendment. I also noticed that a lot of what was in here talked about determining what the other states are doing. What is the effectivity of this? **SEN. HARGROVE** said, the reason is we pretty much know where the other states are now, so we didn't put any contingencies are. I would assume that if it doesn't seem effective in the 2000 election, we will probably get rid of it the next time around. The easiest way to do that would be to withhold any funds from it.

SEN. COLE said if we had 6 or 8 states get together, we could get more information and priority put on some of our land and property rights issues. That in itself would be worth something. I think the advantages we would have is not so much day of the election but the presidential people coming in before the election. As I look at this, a large chunk of the elections are held by March 14th. On the chart, are all the states in white, except New Hampshire, after March 21st? **SEN. HARGROVE** stated yes, I believe so. **SEN. COLE** asked, of the ones that could potentially go into this western presidential, are their elections like ours in June? **SEN. HARGROVE** said one of the reasons Arizona did not go in is because their primary is in February. Statistics show that they have had more visits than other states, even though it is a desert state and a western state.

Closing by Sponsor:

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SEN. HARGROVE stated, I would suggest that this is not a political bill. You could consider it an economic bill in that this is an investment in Montana and an investment in the natural resource issues that we need to attend to. We think that it will be a very positive message. Thank you.

EXECUTIVE ACTION ON HB 490

Motion/Vote: **SEN. WELLS** moved that **HB 490 BE AMENDED. Motion carried 4-0.**

Motion/Vote: **SEN. WELLS** moved that **HB 490 BE CONCURRED IN AS AMENDED. Motion carried 4-0.**

DISCUSSION

SEN. COLE stated, the third list of board appointments will come to the committee at the end of March. Susan Ames indicated there would not be many. The list in March should be the final list.

ADJOURNMENT

Adjournment: 8:59 A.M.

SEN. MACK COLE, Chairman

KERI BURKHARDT, Secretary

MC/KB

EXHIBIT (sts70aad)